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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,335	09/02/2003	Donaldson J. Emch	1489P4	2935

7590 04/21/2005  
PPG INDUSTRIES, INC.  
Intellectual Property Department  
One PPG Place  
Pittsburgh, PA 15272

EXAMINER

PADGETT, MARIANNE L

ART UNIT PAPER NUMBER

1762

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/653,335

Applicant(s)

EMCH, DONALDSON J.

Examiner

Marianne L. Padgett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-27 and 29-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2,4-27,29-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. The Terminal disclaimers over SN 10/294,954, PN 6,579,575, PN 6,291,027 and PN 6,113,764 have been approved and remove the obviousness double patenting rejections over the references.

The amendments to the claims have removed the 112 problems of section 5 of the rejection mailed 10/8/04.

While the amendments to claims 1, adding steps (d) and (e) adds the steps of applying and curing a topcoat over a dried base coat, the former was covered with secondary references in section 8 of the 10/8/04 rejection, and it appears clear from the discussion therein of curing, that claims 26-29 were intended to be included in that rejection. The examiner apologizes for this oversight that missed listing these numbers, and this rejection will not be made final for that reason.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-27 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Specifications for Heat Flash OFF...", in view of Thiele et al (6,280,800 B1) or Rekowski et al (6,432,490 B1) or Tanimoto et al (4,988,537), as discussed in section 8 of the 10/8/04 action.

While the previous discussion provides for supplying various known top or clear coats for overcoating a base coat analogous to that applied in the "Specifications for Heat Flash

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OFF...”, it can be further noted that application of a “basecoat” itself implies that further coating is intended, and the “Specifications...” provides means for only the initial basecoating and its drying, thus implying that the intent is for it to be applied and dried before additional coating. The previously discussed references of Thiele or Rekowski et al or Tanimoto et al, are inclusive of and consistent with teachings for additional coating applied to a dried basecoat, hence the addition of the generic steps of applying and curing a generic top coat to the dried basecoat would have been both obvious to and expected by one of ordinary skill in the art in view of the intended use of the basecoated automobile bodies of the primary reference, with further motivation supplied by the secondary references considering the many types of top coats applied to base coats, with subsequent curing.

Claim 27 differs from claim 1 by requiring cooling to 20-30°C (includes room temperature) before application of the topcoat, and from the primary reference by naming specific temperature range achieved by the taught cooling zone, which is silent with respect to degree of cooling achieved. It would have been obvious to one of ordinary skill in the art to cool to a temperature range suitable for either storage until the next coating is applied, which would normally mean to room temperature, or to one that is optimized for the next coating step, if it is to be immediately applied, and thus would depend on the particular material, which is not claimed or in any way specified. The claimed temperature of cooling has no critical effect on the anonymous coating material, and would have been obvious as discussed above as the norm, if the next coating is not immediate, so no critical patentable differences are seen in these claims.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over “Specifications for Heat Flash OFF...”, in view of Thiele et al or Rekowski et al or Tanimoto et

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al as applied to claims 1,4-27 and 29-32 above, and further in view of Poole et al (5,401,790), as discussed in section 9 of the 10/8/04 action.

5. With respect to claim 33-34 and 36, while the “Specifications for Heat Flash OFF...”, discusses power densities including values as in the claimed range, and no motivation was found therein to apply 2 different power densities and air streams, it is now noted that while these may be different, they are not necessarily different, especially as they are all applied in the same location, hence for the claims as written steps (b) and (c) may be an arbitrary divide in a single step, 60 to 150 seconds long, where there are no actual changes in the parameters applied.

6. Claims 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Specifications for Heat...” as discussed in section 7 of the 10/8/04 action.

Note the difference concerning “dried” as previously discussed also applies to these claims, and that as indicated in section 5 above steps (b) and (c) are not necessarily distinct steps, since as claimed they may read on the IR zone in the “specification for Heat Flash OFF...”, where only the parameters (claims 34-35) of step (b) 0.5-2.5 m/s and 4.0-16.0 m/s do not necessarily overlap with taught parameters of about 9000 scfm ~ 4.8 m<sup>3</sup>/sec, but cubic meters and meters are not directly comparable without knowing other dimensions, and other air velocities of other sections that are in feet/min, correspond to claim ranges, thus lacking specific materials, and necessary differences between steps, it would have been obvious for one of ordinary skill to optimize values of air flow employed based on taught approximate values, which would have been expected to overlap with claimed ranges.

7. Applicant's arguments with respect to claims 1-2, 4-27 and 29 – 36 are have been considered but are moot in view of the new ground(s) of rejection.

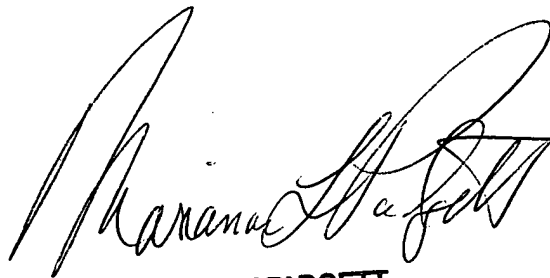
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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M L. Padgett whose telephone number is (571) 272-1425. The examiner can normally be reached on Monday-Friday from about 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached at (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. L. Padgett/af  
April 5, 2005  
April 18, 2005

A handwritten signature in black ink, appearing to read "Marianne Padgett", with a long horizontal line extending to the right.

**MARIANNE PADGETT  
PRIMARY EXAMINER**